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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,135	05/15/2001	Brian A. Baker	RPS920000068US1	1735

7590 10/24/2003

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EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/24/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,135

Applicant(s)

BAKER ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 6, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: section heading for the different parts of the specification are missing. (See content of specification below)

Appropriate correction is required.

2. **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the

applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a

separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5, 7-8, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tran et al., U. S. Patent No. 6359987.

Regarding **claims 1 and 7**, Tran et al. (herein, Tran) discloses a multimedia speaker detection circuit (figures 1-3). Tran's disclosure comprises a multimedia speaker detector (64) coupled to a audio connector, for determining whether a speaker coupled to the computer system is passive or active which reads on the determining; wherein, according to the type of speaker determined a power level is providing accordingly; for a passive speaker amplification is provided, and for an active speaker, the speaker is self-powered (col. 5, lines 17-40, and lines 64-

67; col. 6, lines 1-21 and 33-55), which reads on “based on the determining step, providing one of a plurality of different power levels to the audio output jack”, wherein the audio connector(66) inherently support the audio output jack.

Regarding **claims 2 and 8**, Tran discloses everything claimed as applied above (see claims 1 and 7, respectively). Tran’s disclosure further comprises the multimedia speaker detection (64) coupled to an audio connector (66), wherein the detection is based upon the impedance level of the speaker coupled to the computer (col. 5, lines 17-41), which reads on sensing an impedance at the audio jack output.

Regarding **claims 5 and 11**, Tran discloses everything claimed as applied above (see claim 1 and 7, respectively). Tran’s disclosure further a voltage associated with the impedance to a reference voltage (col. 5, lines 56-67, col. 6, lines 1-55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3-4 and 9-10, 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of the applicant’s admitted prior art (AAPA).

Regarding **claims 3 and 9**, Tran discloses everything claimed as applied above (see claims 1 and 7, respectively). Tran discloses the speaker (an audio output device) as being either passive or active. However, Tran fails to specifically disclose a specific power signal (3-watts)

for the passive output device to the audio output jack. The examiner maintains that such a specific watt for a power signal was well known in the art.

Regarding the specific watt for a power signal, AAPA disclose that the power supply of a passive device (speaker) being 3-watts per channel (page 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Tran by implementing a power signal of 3-watts to a passive speaker for the purpose of providing adequate power to the speaker, wherein 3-watts is a common power requirement of passive speakers as taught by the AAPA.

Regarding **claim 14**, Tran discloses everything claimed as applied above (see claim 9). However, Tran fails to specifically disclose the audio output device as a headphone. The examiner maintains that such an audio output device was well known in the art.

Regarding the audio output device, AAPA disclose various audio device coupled to the I/O device of the computer system, among the various devices are headphones (page 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Tran by implementing headphones as an active audio device for the purpose of enable diversity being able to hear the audio output and privacy of the user.

Regarding **claims 4 and 10**, Tran discloses everything claimed as applied above (see claims 1 and 7, respectively). Tran discloses the speaker (an audio output device) as being either passive or active. However, Tran fails to specifically disclose a specific power signal (1/4-watt)

for the active output device to the audio output jack. The examiner maintains that such a specific watt for a power signal was well known in the art.

Regarding the specific watt for a power signal, AAPA disclose that the power supply of an active device (speaker) being 1/4-watt per channel (page 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Tran by implementing a power signal of 1/4-watt to an active speaker for the purpose of providing adequate power to the speaker, wherein 1/4-watt is a common power requirement of active speakers as taught by the AAPA.

7. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of Dharmarajan et al. (herein, Dharma), U. S. Patent No. 6374148.

Regarding **claim 15**, Tran discloses a multimedia speaker detection circuit (figures 1-3). Tran's disclosure comprises a processing unit (figure 2, reference 12) including a CPU (22), which reads on a means for processing program instructions; a system memories (30 and 46), which reads on a memory, a Universal System Bus (USB) connectors coupled to a bridge (36), which reads on a bus means; an audio processor/controller (58), which reads on an audio circuit; multimedia speaker detector (64) coupled to a audio connector, for determining whether a speaker coupled to the computer system is passive or active which reads on the determining; wherein, according to the type of speaker determined a power level is providing accordingly; for a passive speaker amplification (a passiver speaker amplifier) is provided, and for an active speaker, the speaker is self-powered (col. 5, lines 17-40, and lines 64-67; col. 6, lines 1-21 and 33-55), which reads on "based on the determining step, providing one of a plurality of different power levels to the audio output jack", wherein the audio connector (66) inherently support the

audio output jack. However, Tran fails to specifically disclose an AC97 audio codec and headphone amplifier (audio components). The examiner maintains that such audio components were well known in the art.

Regarding the audio components, in a similar field of endeavor, Dharma discloses portable-pc audio system with digital-audio links to external audio in a docking station. Dharma's disclosure teaches the use of either speakers and/or headphones, which provides obviousness that a headphone amplifier may used for enhancing the audio signal, for audio output to a listener using a multimedia notebook or laptop PC of with an audio system, wherein the computer system comprises an Audio CODEC'97 audio codec (col. 7, lines 29-30, and col. 8, lines 26-34), which reads an AC97 audio codec and a headphone amplifier.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention Tran by implementing an AC97 audio codec for the purpose of providing standard audio encoding and improving the signal-to-noise ratio of personal computer audio systems as taught by Dharma.

8. **Claims 6 and 12-13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

Art Unit: 2644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

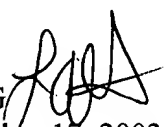
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
October 17, 2003


XU MEI
PRIMARY EXAMINER